IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3489 OF 2004

IN

APPEAL (LODG.) NO. 761 OF 2004

IN

NOTICE OF MOTION NO. 1826 OF 2004

IN

SUIT NO. 1769 OF 2004

Mrs. Asha Wagle..... Appellant.

Versus

Nikhil Nityanand Wagle & Ors..... Respondents.

-: MENTIONED. NOT ON BOARD. :-

Ms.Anita Castellino with Mr. S. S. Amin
for the Appellant.

Ms. N.S.Nipplani for the Respondent Nos.1 to 3.

Mr. More, AGP for Respondent Nos.6 and 7.

CORAM : S. RADHAKRISHNAN &

S. A. BOBDE, JJ.

DATED : 8TH DECEMBER, 2004.

P.C.:

Heard learned Counsel for the Appellant and the

learned Counsel for the Respondents.

2. By this notice of motion the Appellant is seeking condonation of five days delay in filing the above appeal. Perused the affidavit in support of the notice of motion. For the reasons stated therein, sufficient cause is made out for condonation of delay. The said delay is not caused due to any inaction, negligence or want of bonafide on the part of the Appellant. Hence, notice of motion is made absolute in terms of prayer clause (a), which reads thus:

> (a) the delay of 5 days in filing the aforesaid Appeal be condoned and the Appeal be taken on file and placed on board for admission.

3. The Appeal be placed on board for admission on 14th December, 2004 before the regular court.

Sd/-

(S. RADHAKRISHNAN,J.)

Sd/-

(**S. A. BOBDE, J.**)